

REMARKS/ARGUMENTS

The Applicants hereby thank the Examiner for the observations in the outstanding Office Action and for withdrawing Shaya (US 2002/0161664) as a cited reference. Independent Claims 1, 9, and 15 are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed.

The amendments are believed to be fully supported by the priority document, U.S. Provisional Patent Application Serial No. 60/520,752, entitled "Ring Interface for TV Programming Guide," filed on November 17, 2003, as well as the following documents having been incorporated by reference in the present application: U.S. Patent Application Serial No. 10/806,713, entitled "3-Dimensional Browsing and Selection Apparatus and Method," filed on March 23, 2004; U.S. Patent Application Serial No. 10/806,876, entitled "Candidate Data Selection and Display Apparatus and Method," filed on March 23, 2004; U.S. Patent Application Serial No. 10/806,832, entitled "Filter Criteria and Results Display Apparatus and Method," filed on March 23, 2004; U.S. Patent Application Serial No. 10/806,830, entitled "Interactive Program Guide with Preferred Items List Apparatus and Method," filed on March 23, 2004; U.S. Patent Application Serial No. 10/806,646, entitled "Display Filter Criteria and Results Display Apparatus and Method," filed on March 23, 2004; and U.S. Patent Application Serial No. 10/806,767, entitled "Multi-Source Programming Guide Apparatus and Method," filed on March 23, 2004.

The Applicants respectfully assert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone Mr. Thomas F. Lebens at (805) 781-2865 so that such issues may be expeditiously resolved.

I. Previous Rejection of Claims 1-8 and 15-20 under 35 U.S.C. §103(a)

Claims 1-8 and 15-20 stand rejected, under 35 U.S.C. § 103(a), as being unpatentable over Knudson et al. (US 7386871), in view of Ahmad et al. (US 6263507), and in further view of McCoskey (US 2003/0028889). The Applicants respectfully traverse these grounds for rejection on this basis.

Independent Claim 1 is herein amended to include language that better recites the at least one smart filter: “wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters, wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set[.]” This amendment is fully supported by U.S. Patent Application Serial No. 10/806,646, entitled “Display Filter Criteria and Results Display Apparatus and Method,” filed on March 23, 2004, which has been fully incorporated by reference in its entirety into the present application (Specifically, para. [0035]).

Independent Claim 15 is herein amended to include language that better recites the at least one smart filter: “wherein the at least one smart filter comprises at least two user-selectable characterizing descriptor filters, wherein the at least two user-selectable characterizing descriptor filters comprise a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set[.]” This amendment is fully supported by U.S. Patent Application Serial No. 10/806,646, entitled “Display Filter Criteria and Results Display Apparatus and Method,” filed on March 23, 2004, which has been fully incorporated by reference in its entirety into the present application (Specifically, para. [0035]).

With respect to the primary cited reference, Knudson merely discloses: “A program guide system is provided in which an interactive television program guide that is implemented at least partially on user television equipment receives program listings data and real-time data such as sports scores, news data, and the like. The real-time data may be stored in a database maintained by the

program guide, so that the program guide may access the stored real-time data at a later time. Updated program listings information may be provided to the program guide as part of the data stream in which the real-time data is provided. Unique keys may be generated for the program listings data and real-time data associated with each live event. The keys may be compared at the program guide to determine which program listings correspond to which items of real-time data. A controllable ticker may be displayed on top of a television program on the user television equipment. The controllable ticker may be sponsored. Different types of real-time data may be assigned different expiration times. When data has expired it may be removed from the database.” (Abstract).

With respect to the secondary cited reference, Ahmad merely discloses: “The invention facilitates and enhances review of a body of information (that can be represented by a set of audio data, video data, text data or some combination of the three), enabling the body of information to be quickly reviewed to obtain an overview of the content of the body of information and allowing flexibility in the manner in which the body of information is reviewed. In a particular application of the invention, the content of audiovisual news programs is acquired from a first set of one or more information sources (e.g., television news programs) and text news stories are acquired from a second set of one or more information sources (e.g., on-line news services or news wire services). In such a particular application, the invention can enable the user to access the news stories of audiovisual news programs in a random manner so that the user can move quickly among news stories or news programs. The invention can also enable the user to quickly locate news stories pertaining to a particular subject. Additionally, when the user is observing a particular news story in a news program, the invention can identify and display related news stories. The invention can also enable the user to control the display of the news programs by, for example, speeding up the display, causing a summary of one or more news stories to be displayed, or pausing the display of the news stories. Additionally, the invention can indicate to the user which news story is currently being viewed, as well as which news stories have previously been viewed.” (Abstract).

With respect to the tertiary cited reference, McCoskey merely discloses: “A system for searching, packaging and delivering content using an aggregator is described. The aggregator processes requests, searches, provides search results and acquires content. The aggregator, operating

in a communications network, includes a request and results processing server, a search engine server coupled to the request and results processing server and a content acquisition server coupled to the request and results processing server. A request and results processing server receives a request for content, the search engine server searches for the content and the content acquisition program acquires content for delivery to the user. The request and results processing server includes a search request processor that receives information related to a user's search request and provides the information to a search results form builder that creates an electronic search request. **The search request may be augmented by using a content suggestion engine to add additional search terms and descriptions to the search request.** The aggregator may also include a decoder that decodes program content and program metadata from remote sources for storage at the aggregator, and an encoder that encodes content metadata and programs for delivery to the user. **The aggregator may also comprise one or more crawlers, such as a content crawler, to look for program content in one or more digital communications networks.”** (Abstract) In essence, McCoskey merely teaches using a **content suggestion engine** for making recommendations and using an aggregator with at least one crawler, **not simultaneous consideration by at least one smart filter having an enhanced suggestion engine as in the presently claimed invention.**

In contrast to the cited art, the present invention method comprises the step of “providing at least one **smart filter** for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an **enhanced suggestion engine** for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, the at least one smart filter providing step comprising providing each at least one **smart filter being customizable for each at least one user, wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters, wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and wherein the at least one smart filter providing step comprises simultaneously considering content across a plurality of media, thereby providing a coordinated joint display comprising a plurality of**

integrated results, the plurality of integrated results comprising **an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats[.]**” *inter alia*.

Also in contrast to the cited art, the present invention system comprises “at least one **smart filter** for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter comprising an **enhanced suggestion engine** for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, **each** at least one **smart filter** being **customizable for each** at least one user, wherein the at least one smart filter comprises at least two user-selectable characterizing descriptor filters, wherein the at least two user-selectable characterizing descriptor filters comprise a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and wherein the at least one smart filter simultaneously considers content across a plurality of media, whereby a coordinated joint display, comprising a plurality of integrated results, is provided, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats[.]” *inter alia*.

Accordingly, the Applicants respectfully submit that the cited art does not teach, suggest, motivate, or otherwise obviate, in any other manner, the combination of elements and limitations, *inter alia*, as respectively recited by herein amended independent Claims 1 and 15:

1. A method of automatically displaying content to at least one user, comprising:
providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;
on a display comprising a two-dimensional display region,
simultaneously providing a plurality of discrete indicators within the two-dimensional display region for at least some of the discrete selectable items of data, which discrete indicators comprise at least a portion of the characterizing descriptors as corresponds to the discrete selectable items of data;
providing a segregated display area within the two-dimensional display region; and

automatically causing relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators;

providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user,

wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters,

wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and

wherein the at least one smart filter providing step comprises simultaneously considering content across a plurality of media, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats; and

automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area. [Emphasis added.]

15. An interactive automatic data display system for at least one user, comprising:
characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;

at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter comprising an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, the at least one smart filter being customizable for each at least one user,

wherein the at least one smart filter comprises at least two user-selectable characterizing descriptor filters,

wherein the at least two user-selectable characterizing descriptor filters comprise a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and

wherein the at least one smart filter simultaneously considers content across a plurality of media, whereby a coordinated joint display, comprising a plurality of integrated results, is provided, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats; and

control circuitry that:

displays a plurality of discrete indicators within a two-dimensional display region for at least some of the discrete selectable items of data, which discrete indicators comprise at least a portion of the characterizing descriptors as corresponds to the discrete selectable items of data;

provides a segregated display area within the two-dimensional display region;

automatically causes relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators; and

automatically displays additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area. [Emphasis added.]

Consequently, Claims 2-8 and 16-19 now subsume the limitations of their respective base claims by dependency thereto.

Thus, the Applicants respectfully submit that Claims 1-8 and 15-20 have not been taught, suggested, motivated, or otherwise obviated by the cited art. Therefore, the Applicants respectfully request that the grounds for rejection on this basis are withdrawn and that Claims 1-8 and 15-20 are passed to allowance in due course.

II. Previous Rejection of Claims 9-14 under 35 U.S.C. §103(a)

Claims 9-14 have been previously rejected, under 35 U.S.C. § 103(a), as being unpatentable over Knudson et al. (US 7386871), in view of Ahmad et al. (US 6263507), and in further view of Shaya (US 2002/0161664). The Applicants respectfully traverse these grounds for rejection on this basis.

Independent Claim 9 is herein amended to include language that better recites the at least one smart filter: “wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters, wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set[.]” This amendment is fully supported by U.S. Patent Application Serial No. 10/806,646, entitled “Display Filter Criteria and Results Display Apparatus and Method,” filed on March 23, 2004, which has been fully incorporated by reference in its entirety into the present application (Specifically, para. [0035]).

With respect to the primary cited reference, Knudson merely discloses: “A program guide system is provided in which an interactive television program guide that is implemented at least partially on user television equipment receives program listings data and real-time data such as sports scores, news data, and the like. The real-time data may be stored in a database maintained by the

program guide, so that the program guide may access the stored real-time data at a later time. Updated program listings information may be provided to the program guide as part of the data stream in which the real-time data is provided. Unique keys may be generated for the program listings data and real-time data associated with each live event. The keys may be compared at the program guide to determine which program listings correspond to which items of real-time data. A controllable ticker may be displayed on top of a television program on the user television equipment. The controllable ticker may be sponsored. Different types of real-time data may be assigned different expiration times. When data has expired it may be removed from the database.” (Abstract).

With respect to the secondary cited reference, Ahmad merely discloses: “The invention facilitates and enhances review of a body of information (that can be represented by a set of audio data, video data, text data or some combination of the three), enabling the body of information to be quickly reviewed to obtain an overview of the content of the body of information and allowing flexibility in the manner in which the body of information is reviewed. In a particular application of the invention, the content of audiovisual news programs is acquired from a first set of one or more information sources (e.g., television news programs) and text news stories are acquired from a second set of one or more information sources (e.g., on-line news services or news wire services). In such a particular application, the invention can enable the user to access the news stories of audiovisual news programs in a random manner so that the user can move quickly among news stories or news programs. The invention can also enable the user to quickly locate news stories pertaining to a particular subject. Additionally, when the user is observing a particular news story in a news program, the invention can identify and display related news stories. The invention can also enable the user to control the display of the news programs by, for example, speeding up the display, causing a summary of one or more news stories to be displayed, or pausing the display of the news stories. Additionally, the invention can indicate to the user which news story is currently being viewed, as well as which news stories have previously been viewed.” (Abstract).

With respect to the tertiary cited reference, McCoskey merely discloses: “A system for searching, packaging and delivering content using an aggregator is described. The aggregator

processes requests, searches, provides search results and acquires content. The aggregator, operating in a communications network, includes a request and results processing server, a search engine server coupled to the request and results processing server and a content acquisition server coupled to the request and results processing server. A request and results processing server receives a request for content, the search engine server searches for the content and the content acquisition program acquires content for delivery to the user. The request and results processing server includes a search request processor that receives information related to a user's search request and provides the information to a search results form builder that creates an electronic search request. **The search request may be augmented by using a content suggestion engine to add additional search terms and descriptions to the search request.** The aggregator may also include a decoder that decodes program content and program metadata from remote sources for storage at the aggregator, and an encoder that encodes content metadata and programs for delivery to the user. **The aggregator may also comprise one or more crawlers, such as a content crawler, to look for program content in one or more digital communications networks.”** (Abstract) In essence, McCoskey merely teaches using a **content suggestion engine** for making recommendations and using an aggregator with at least one crawler, **not simultaneous consideration by at least one smart filter having an enhanced suggestion engine as in the presently claimed invention.**

In contrast to the cited art, the present invention method comprises the step of “providing at least one **smart filter** for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an **enhanced suggestion engine** for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, the at least one smart filter providing step comprising providing each at least one **smart filter being customizable for each at least one user, wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters, wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and wherein the at least one smart filter simultaneously considers content across a plurality of media, thereby**

providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats[.]”
inter alia.

Accordingly, the Applicants respectfully submit that the cited art does not teach, suggest, motivate, or otherwise obviate, in any other manner, the combination of elements and limitations, *inter alia*, as recited by herein amended independent Claim 9:

9. A method of automatically displaying content to at least one user, comprising:
- providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;
 - providing a plurality of user-selectable characterizing descriptor filter criteria;
 - on a display comprising a two-dimensional display region,
 - simultaneously providing a plurality of discrete indicators within the two-dimensional display region for at least a portion of the discrete selectable items of data as corresponds to a present selection of a characterizing descriptor filter criterion, which discrete indicators comprise at least a portion of the characterizing descriptors as corresponds to the discrete selectable items of data;
 - providing a segregated display area within the two-dimensional display region; and
 - automatically causing relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators;
 - providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user,
 - wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters,
 - wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and
 - wherein the at least one smart filter simultaneously considers content across a plurality of media, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats; and
 - automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area. [Emphasis added.]

Consequently, Claims 10-14 now subsume the limitations of their respective base claim by dependency thereto.

Thus, the Applicants respectfully submit that Claims 9-14 have not been taught, suggested, motivated, or otherwise obviated by the cited art. Therefore, the Applicants respectfully request that the grounds for rejection on this basis are withdrawn and that Claims 9-14 are passed to allowance in due course.

CONCLUSION

Accordingly, independent Claims 1, 9, and 15 have been herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed. The Applicants respectfully reassert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of these remarks is respectfully requested. ***The Examiner is further cordially invited to telephone Mr. Thomas F. Lebens for any reason which would advance allowance of the pending claims.*** In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 06-1135 accordingly.

Respectfully submitted,

Dated: 2/9/2010

May Lin DeHaan
May Lin DeHaan
Reg. No. 42,472
Attorney for Applicant(s)

Address all correspondence to:

Thomas F. Lebens
FITCH, EVEN, TABIN & FLANNERY
Suite 1600, 120 South LaSalle Street
Chicago, Illinois 60603

Direct telephone inquiries to:

Thomas F. Lebens
(805) 781-2865